

ORDINANCE 2235-21

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CITY OF SYLACAUGA ZONING ORDINANCE 2224A-20

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SYLACAUGA, ALABAMA, that certain sections of City of Sylacauga Ordinance 2224A-20, as adopted on March 17, 2020, are hereby amended as follows:

SECTION 1. Ordinance 2224A-20, Section 3.09, which reads:

Section 3.09 Walls and Fences

- §3.09.01 Walls or fences may be erected, placed, maintained, or grown along a lot line on residentially zoned property or abutting a residential district, to a height not exceeding six feet above grade level. Where the lot line abuts a nonresidential district, walls or fences may be erected, placed, maintained, or grown to a height not exceeding eight feet. This does not apply to retaining walls.
- §3.09.02 Walls and fences may not obstruct a motorist's line of sight at intersections (see §3.02.05.C).
- §3.09.03 The finished side of a fence must face outward, toward the street or adjoining properties.

is hereby amended to read:

Section 3.09 Walls and Fences

- §3.09.01 Walls or fences may be erected, placed, maintained, or grown along a lot line on residentially zoned property or abutting a residential district, to a height not exceeding six feet above grade level. Where the lot line abuts a nonresidential district, walls or fences may be erected, placed, maintained, or grown to a height not exceeding eight feet. This does not apply to retaining walls.
- §3.09.02 Fences and walls located forward of the front building line must comply with the following:
- A. Must be setback at least one foot from front lot lines, except as provided in §3.09.03.
 - B. May not be more than 50% opaque, except that solid masonry walls are permitted up to a height of 36 inches.
 - C. Chain link fencing must be green or black coated and may not include slats. Otherwise, materials are limited to pressure-treated wood, masonry, wrought iron and decorative metal.
 - D. Height is limited as follows:
 - 1) In any zone allowing dwellings may not be taller than 48 inches, except as provided in 2) and 3) below.
 - 2) On agriculturally zoned properties of at least three acres, walls and fences located forward of the front building line may not be taller than 54 inches.
 - 3) The Board may approve, as a Special Exception, the use of wrought iron, industrial grade aluminum or equivalent, decorative fencing panels up to eight ft. in height for special security and multifamily applications on properties of at least two acres. Masonry columns must be provided between fence panels with a maximum spacing of 20 ft. Shop and site drawings must be submitted with the request. Such requests may also be approved by the Commission simultaneously with a Conditional Use review or other request requiring Commission approval.
- §3.09.03 Walls and fences may not obstruct a motorist's line of sight at intersections (see §3.02.05.C). Walls and fences may not be installed within a public right-of-way unless an encroachment is approved in accordance with §3.08 Right-of-Way Encroachments.
- §3.09.04 The finished side of a fence must face outward, toward the street or adjoining properties.

SECTION 2. Ordinance 224A-20, ARTICLE 9, which reads:

ARTICLE 9. SIGN REGULATIONS

Reserved

is hereby amended to read:

ARTICLE 9. SIGN REGULATIONS

Section 9.01 Purpose

The purposes of this article are to: encourage the safe construction and effective use of signs as a means of communication with the public; to improve traffic and pedestrian safety; to prevent the accumulation of trash; and to minimize adverse effects to nearby public and private property.

Section 9.02 Definitions

For the purposes of this article, the following terms have the meanings ascribed to them:

- \$9.02.01 ABANDONED SIGN.** A sign that, for a period of six months or longer: (1) displays advertising for a product, activity or service which is no longer available, (2) displays advertising for a business which is no longer licensed or doing business on the premises, or (3) displays no message.
- \$9.02.02 ATTACHED SIGN.** A sign other than a Detached Sign, including Wall Signs, Projecting Signs and Awning and Canopy Signs.
- \$9.02.03 AWNING OR CANOPY SIGN.** A sign directly painted on or directly affixed to an awning or canopy.
- \$9.02.04 CHANGEABLE COPY SIGN.** A sign in which the message may be manually or electronically changed without altering the sign.
- \$9.02.05 COMMERCIAL MESSAGE.** A sign message that identifies or directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.
- \$9.02.06 DETACHED SIGN.** A sign permanently erected or mounted on its own self-supporting structure or base detached from any supporting elements of a building, wall or fence.
- \$9.02.07 DOUBLE-FACED SIGN:** A sign constructed to display its message on the outer surfaces of two opposing planes. When only one face is legible from any vantage point along the street, the area of one side (the larger, if applicable) is counted toward allowable sign area. If both faces may be viewed from the same vantage point, the area of both sides is counted.
- \$9.02.08 ELECTRONIC MESSAGE SIGN.** A sign designed so that the characters, letters or illustrations can be changed or rearranged electronically or through mechanical means.
- \$9.02.09 GOVERNMENT SIGN.** Any sign erected on public property and maintained by the City, State or Federal Government for dissemination of general information and matters of public interest.
- \$9.02.10 LEGIBLE.** Able to be read by a person of ordinary eyesight standing at grade level at a location on the public right-of-way or, if applicable, on another private property.
- \$9.02.11 NONCOMMERCIAL MESSAGE.** Any message other than a COMMERCIAL MESSAGE. This includes all messages or types of messages considered noncommercial speech by a court of law.
- \$9.02.12 PERMANENT SIGN.** A sign constructed of durable materials, attached to the ground or a building in a manner provided by the Building Code.
- \$9.02.13 PORTABLE SIGN.** Any sign, whether on wheels, its own trailer or otherwise, which is designed or constructed in such a manner as to be easily transported from one place to another. PORTABLE SIGN does not include a sign carried by a person or animal.
- \$9.02.14 PROJECTING SIGN.** An attached sign permanently affixed at more or less a right angle to the wall plane of the building to which it is attached.

- §9.02.15 **ROPE LIGHTING.** Decorative lighting featuring small light bulbs linked together and encased in a PVC jacket.
- §9.02.16 **SEASONAL DECORATIONS.** Decorations and lighting in observance of religious, national or state holidays not intended to be permanent in nature and that contain no commercial message. This does not include **TEMPORARY SIGNS** that are greater than four square feet in area, that are directed at and legible from the public right-of-way and that bear a **COMMERCIAL** or **NON-COMMERCIAL MESSAGE**.
- §9.02.17 **SIGN.** Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, organization, or place of business, or which identifies or promotes the interests of any person and which may be viewed from the private property of another or from any public right-of-way or parking area (collectively referred to as a “public area”). For the purposes of these regulations, the term **SIGN** includes all structural members. The term **SIGN** does not include the following objects when legible from a public area: cemetery markers, vending machines or express mail drop-off boxes, decorations, artwork or a building’s architectural features, or a manufacturer’s or seller’s markings on machinery or equipment.
- §9.02.18 **SIGN FACE.** The surface of the sign upon, against or through which the message of the sign is displayed.
- §9.02.19 **TEMPORARY SIGN.** A sign, other than a **PORTABLE SIGN**, that is not permanently attached to the ground or a structure and that is not designed or intended for permanent display.
- §9.02.20 **WALL SIGN.** A sign painted on or permanently affixed or fastened to the wall of a structure in such a manner that the sign face is parallel to the wall plane and in which the wall is the supporting structure of the sign.
- §9.02.21 **WINDOW SIGN.** A sign applied or attached to a window, or displayed within six feet of the interior of a first floor window area so as to attract attention of persons outside the building. **WINDOW SIGNS** do not include merchandise in a window display.

Section 9.03 Procedure

- §9.03.01 No sign may be posted, placed, hung, painted, or repainted in any district except in conformance with this Ordinance. An applicant desiring to erect a sign, except exempt signs (§9.05.03) and those not requiring a permit (§9.04.02), must first obtain a sign permit from the Building Official. Each application for a sign permit must be accompanied by the required fee and plans indicating the following:
 - A. The proposed site identifying the property owner, location, present use and zoning
 - B. Location of the sign in relation to property lines, streets, driveways and existing signs and structures
 - C. Complete structural specifications
 - D. Any additional information needed to determine conformance with this Ordinance.
- §9.03.02 **Review of Application:** The Building Official must take action on a complete Sign Permit application or notify the applicant of any deficiencies in the application within five business days of receipt. If the application is denied, the Building Official will state in writing the reasons for disapproval.
- §9.03.03 **Expiration.** A Sign Permit expires if work has not begun within 180 days from the date it is issued. Applicants are allowed one 90-day extension of each Sign Permit, provided the extension is applied for prior to the original permit’s expiration.
- §9.03.04 **Indemnification of City:** Every Sign Permit application must include an agreement of indemnification and hold the City harmless for any damages or expenses that may be incurred because of the sign and related structure.
- §9.03.05 **Fees:** A permit fee, set from time to time by the Council, must be submitted at the time of Sign Permit application.
- §9.03.06 **Identification Tag:** The sign contractor must attach a weatherproof identification tag to all permanent signs requiring Sign Permits. The erection, placement or construction of a sign

requiring a permit without a proper identification tag constitutes a violation of these requirements. The tag must have the following information permanently printed or impressed:

- A. "City of Sylacauga Sign Permit" followed by the Sign Permit number
- B. Year the sign was put in place
- C. The name and address of the sign contractor

§9.03.07 Permit Revocation. The City may revoke a Sign Permit if it is found that there has been concealment or misrepresentation of material facts in the Sign Permit application or submitted plans.

Section 9.04 Sign Permit

§9.04.01 Actions Requiring a Sign Permit. The following signs require a Sign Permit issued by the City except where indicated otherwise in §9.04.02. Construction, repair and maintenance of all signs must comply with the City Building Code, if applicable. When required for a sign, a Building Permit must be approved before the sign is installed.

- A. Any permanent attached or detached sign larger than four square feet in sign area
- B. Structural or electrical alterations to an existing permitted sign
- C. Any sign requiring a Building Permit
- D. Any sign projecting over or located in any public right-of-way

§9.04.02 Signs, Actions not Requiring a Permit. The following signs or actions do not require a Sign Permit, unless the sign or action is of a nature that requires a Building Permit. Each sign exempt from the Sign Permit process must still comply with the height, area and locational standards of this Article:

- A. Any sign no larger than four square feet in sign area
- B. Signs and notices issued by any court, officer or other person in performance of a governmental duty
- C. For the purposes of safety and emergency access, signs indicating the street number of a building or structure not exceeding six square feet in sign area
- D. Routine sign maintenance, including painting, repainting, cleaning and repair not involving structural changes or changes to the sign area or height
- E. The changing of copy on Changeable Copy Signs provided there are no structural changes or change in the primary light source
- F. Seasonal decorations containing no commercial message
- G. Temporary signs
- H. Window signs

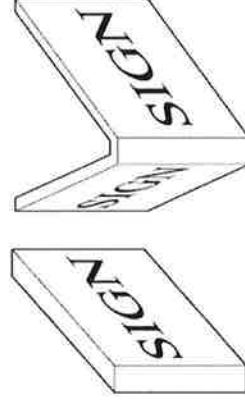
Section 9.05 General Provisions

§9.05.01 Viewpoint Neutrality, Substitution

- A. It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content. No sign will be subject to any limitation based on the viewpoint of the sign message.
- B. Signs authorized by this Article may carry noncommercial messages in lieu of any other commercial or noncommercial messages. Substitution of messages may be made without additional approval or permitting process, except where the change of message requires changes to the sign that require a Building or Electrical Permit. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent an inadvertent favoring of commercial messages over noncommercial messages, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

- §9.05.02 Other Applicable Codes and Permits. All construction and operation of signs must be in accordance with the building, electrical, and other applicable city codes. Electrical permits are required for any illuminated signs.
- §9.05.03 Exempt Signs. The following are exempt from regulation under this Article but may require building or other permits, as applicable:
- A. Signs that are not legible from the public right-of-way or from another property
 - B. Government signs, including signs required for legal notices and other official instruments
 - C. Signs on an operable vehicle used in the normal course of business; this does not include signs on vehicles that are placed on the premises so as to be viewed from the street
 - D. Traffic control device signs
 - E. Warning or traffic safety signs required by public utility providers
 - F. Seasonal decorations containing no commercial message
- §9.05.04 Maintenance of Signs
- A. All signs and sign structures must be kept in a proper state of repair and legibility. The Building Official is authorized to order the painting, repair or alteration of poorly maintained or dilapidated signs and the removal of abandoned signs and signs that constitute a hazard to public safety. The Building Official may cause any structurally unsafe or structurally insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.
 - B. Weeds and grass must be kept cut beneath and for a distance of 10 ft. in all directions from the perimeter of a detached sign. This area must also be maintained free of debris and rubbish that would constitute a fire or health hazard or be construed as a nuisance.
 - C. All electronic and lighted signs that are no longer functional must be made functional or removed at the owner's expense within 30 days of becoming dysfunctional.
 - D. Any repair, painting, alteration or removal of signs will be at the owner's expense.
- §9.05.05 Placement
- A. Except as required by state law, no sign may be displayed on a property without the consent of the legal owner.
 - B. Except as required by State law or otherwise permitted by this Article, any sign installed or placed on public property is deemed illegal and will be forfeited to the public and subject to confiscation. In addition to other remedies, the City may recover from the owner or person placing the sign the cost of removal and disposal of the sign.
 - C. All temporary and permanent detached signs must be set back at least five feet from any street, railroad or similar public right-of-way and at least ten feet from the edge of pavement or curb of a street, except as otherwise permitted in the DTB District. However, the Building Official, with a favorable opinion from the police department, may permit permanent, incidental signs and temporary signs to be located closer than five feet to the right-of-way line, but not within the right-of-way, provided they are no taller than 2.5 feet above grade. No sign may be placed within or in any manner obstruct sight distance within a required sight triangle.
 - D. No part of any sign may be located within 25 ft. of the intersection of any two streets or within 25 ft. of the intersection of any street and railroad, as measured from the intersection of the rights-of-way. No sign may be located within five feet of the intersection of any street and driveway.
 - E. Attached signs must be flush with the wall plane of the building and may not extend more than 12 inches from the wall plane.
 - F. Projecting signs may not be larger than 20 sf in sign area and may not project further than five feet from the wall plane.
 - G. A clear height of at least eight feet above the walking surface must be maintained over any area intended for pedestrian use. For detached and projecting signs, a clear height of at least 14 ft. above the driving surface must be maintained over an area intended for vehicular use. However, on private property, a lesser clearance is permitted provided the appropriate vehicle height limit is indicated to motorists.

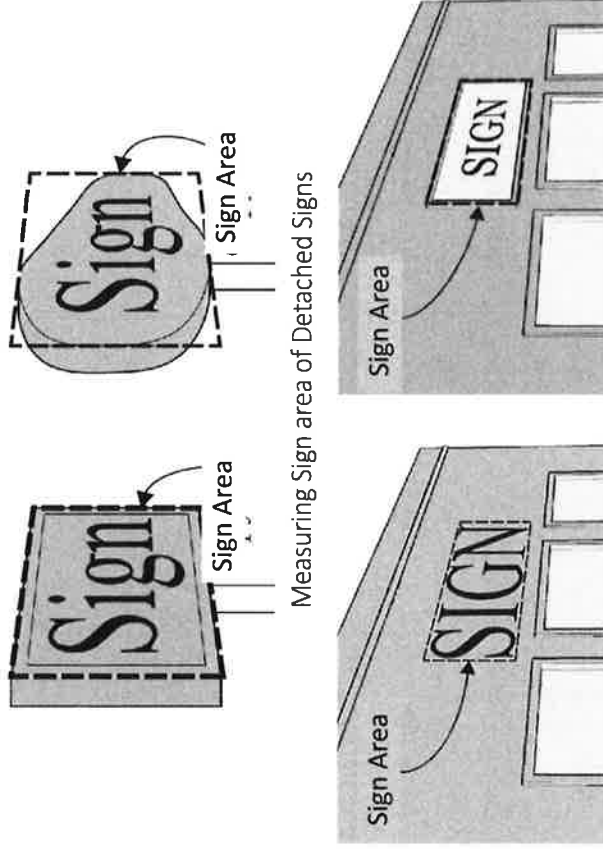
- §9.05.06** No sign may exceed 50 ft. in height above the grade of the adjacent street or the maximum height permitted in the applicable district, whichever is less.
- §9.05.07** Prohibited Signs. In the interest of public safety, the following signs are prohibited:
- A. Any sign placed within any public right-of-way or on any public land except signs placed by a governmental agency or public utility provider; signs may extend into or over public right-of-way only with approval of an encroachment permit
 - B. Signs with moving or flashing lights, except as allowed for Electronic Message Signs
 - C. Abandoned Signs
 - D. Any sign that resembles or emulates in shape, color, illumination or other manner a traffic control device sign
 - E. Signs that employ any parts that move, rotate, whirl, spin or otherwise make use of motion to attract attention (this does not include Changeable Copy Signs)
 - F. Signs that emit any detectable noise, smoke, vapor, odor, particles or that include any lighting or control mechanism that interfere with radio, television or electronic means of communication
 - G. Signs attached to or painted on trees, rocks, fire escapes, elevated water storage tanks, utility poles or fixtures, light poles, or traffic sign standards
 - H. Signs constructed of mirrors or other surfaces that reflect light
 - I. Signs or sign structures that obstruct openings required for ventilation or means of egress, including any fire escape, any window, any door or other opening, any stairway, any exit, any walkway, any utility access or Fire Department connection.
- §9.05.08** Signs Permitted in All Districts
- A. Temporary Signs, in accordance with §9.06 Residential and Agricultural Districts, §9.07 Commercial, Institutional and Mixed Use Districts and §9.08 Industrial Districts. Temporary signs may be used for commercial or noncommercial speech.
 - B. Incidental Signs, whether detached or attached, less than four sf in area and less than four feet in height.
 - C. Flagpoles and Stanchions
 - 1) Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal structure, one flagpole is permitted. There is no limit to the number of flags that may be displayed per flagpole.
 - 2) For each parcel and development site over one-half acre in size and that is in nonresidential use, up to three flagpoles may be installed. For each additional acre, up to two additional flagpoles may be installed. Up to two flags may be displayed per flagpole.
 - 3) Flagpoles may not exceed 1.5 times the allowed building height for the district, but in no event may a flagpole be taller than 50 ft. above grade.
 - 4) For each principal structure, up to two flag brackets or stanchions may be attached or placed for the display of flags.
- §9.05.09** Measuring Sign Area
- A. For sign messages mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign messages, sign area is calculated by means of the smallest square, circle, rectangle or triangle that encompasses the extreme limits of the background panel, cabinet or surface.
 - B. For sign messages where individual letters or elements are mounted or painted on a building façade and where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign message, sign area is calculated as the sum of the smallest square, circle, rectangle or triangle that encloses all the letters or elements associated with the sign.



Double-faced signs: For the sign above left, sign area on only one face is counted. For the sign above right, sign area of both faces is counted.

In cases where there are multiple sign elements on the same surface, the Building Official determines the outermost boundaries of individual sign elements.

- C. Supporting framework, bracing, or decorative fences or walls are not included in calculating sign area unless such structural support is determined to be an integral part of the message, as determined by the Building Official.
- D. In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area is calculated as the smallest square, rectangle or circle that encompasses the profile of the sign message. The profile used is the largest area of the sign message visible from any one point.



\$9.05.10 Portable Signs

Portable Signs are permitted in the B-2, M-1, M-2 and M-4 districts subject to the following:

- A. No more than one Portable Sign is permitted per premises. Portable signs are not permitted on a premises with a permanent detached sign.
- B. Portable signs may not be larger than 50 sf in sign area nor taller than seven feet above grade.
- C. Portable signs must be securely anchored to the ground, subject to the approval of the Building Official, to prevent unintended movement due to wind or other causes.

\$9.05.11 Illumination

- A. For externally illuminated signs, light sources must be aimed so that only the sign face is illuminated.
- B. Internally illuminated signs, including electronic message signs, are not permitted within nor closer than 100 ft. to an agricultural or residential district.
- C. Rope lighting, LED strip lighting, neon and similar decorative lighting devices on the exterior of nonresidential buildings and visible from public streets may not involve moving or blinking lights or be of a color, design or intensity that may be confused with emergency lights or traffic control devices or cause glare, impair the vision of an ordinary driver or constitute a nuisance to traffic safety.

\$9.05.12 Electronic Message Signs

- A. Electronic Message Signs may not be brighter than 4,690 nits during daytime and 1,675 at nighttime.
- B. Electronic Message Signs must be equipped with a dimmer control and photocell, and must automatically adjust the display intensity according to natural ambient light conditions.
- C. Electronic Message Signs must have a default mechanism that will freeze the display in a static message if a malfunction occurs.
- D. Electronic Message Signs may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver or constitute a nuisance to traffic and pedestrian safety.

- E. Message displays must be static, employing no motion, animation or changes in color or brightness, and may not change more frequently than five seconds. Transitions between message displays must be instantaneous and may not simulate movement.

Section 9.06 Residential, MX-1 and Agricultural Districts

- §9.06.01 Prohibited Signs. The following signs are prohibited in agricultural and residential districts:
 - A. Permanent detached signs on undeveloped property
 - B. Electronic Message Signs
- §9.06.02 Attached Signs. Each dwelling unit is permitted one attached sign, which must be placed on or within five feet of the main entrance and may not exceed two sf in area. In addition, each multifamily building is permitted one attached sign, which may not exceed eight sf in area. Each nonresidential building is permitted one attached sign, which may not exceed 16 sf in area.
- §9.06.03 Detached Signs. Only the following detached signs, other than temporary signs, are permitted:
 - A. Subdivisions. Each subdivision is permitted one monument sign per street entrance, which may not be taller than four feet above grade nor be larger than 30 sf in sign area. An acceptable legal entity must be identified to provide perpetual maintenance for the sign
 - B. Multifamily Developments, Manufactured Home Parks and Nonresidential Premises. Each housing development and nonresidential premises, including agricultural uses, is permitted one detached sign, which may not exceed five feet in height nor 20 sf in sign area.
 - C. Each detached single-family residential premises containing an approved home occupation is permitted one additional detached sign of no more than four square feet in sign area.

§9.06.04 Temporary Signs

- A. During construction of a residential or nonresidential development, only the following temporary signs are permitted:
 - 1) Subdivisions, Multifamily and Nonresidential Developments, Manufactured Home Parks. Up to two temporary signs are permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs may not be closer than 20 ft. to an existing edge of pavement or curb. These signs must be removed within 30 days following the completion of the development. For residential subdivisions, this time limit does not refer to the completion of any individual dwellings.
 - 2) Individual Residential lots. Up to six temporary signs per lot may be posted during construction of the dwelling. Each sign may not exceed two sf in area nor be taller than three feet above grade level. These signs must be removed within seven days after construction of the dwelling has been completed.
- B. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
 - 1) At any time, three temporary signs, with each sign no larger than five square feet in sign area and no taller than four feet above grade.
 - 2) For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its opening. The sign may not be larger than 20 sf in sign area. If detached, it may not be taller than six feet above grade.
- C. During repair, renovation or addition to a building, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not be larger than three square feet in sign area or be taller than three feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.

Section 9.07 Commercial, Institutional, DTB and MX-2 Districts

For the purposes of this Section, “nonresidential” includes buildings that contain both nonresidential and residential uses.

- §9.07.01 Attached Signs. Each ground floor tenant is permitted one attached sign subject to the following:

- A. Attached signs may not be larger than one square foot of sign area per linear foot of wall on which the tenant has a main entrance or 100 sf, whichever is more restrictive. An additional attached sign is permitted for tenant spaces with a secondary façade visible from an adjoining public street or from an on-premises parking area. The additional attached sign is limited to 65% of the sign area on the primary facade.
 - B. Window signs may not exceed 20% of the total glass area of the window. Illuminated signs in the interior of a building and placed within five feet of the window so as to be seen from the exterior, are counted toward window sign area.
 - C. Projecting Signs may not project more than five feet from the face of the building. If projecting more than one foot into a right-of-way, an encroachment permit must be obtained.
 - D. In addition to a primary attached sign, each premises or each tenant on a premises with multiple tenants is allowed up to two canopy or awning signs as a secondary form of signage. The area of such signs are counted toward the total allowed attached sign area.
- §9.07.02 Detached Signs**
- A. Each premises developed with a principal use or structure, other than a sign, is allowed one detached sign per street frontage, subject to the following:
 - 1) Premises with more than 300 ft. along a street frontage may have one additional detached sign along that street frontage provided the signs are at least 200 ft. apart.
 - 2) The maximum sign area for detached signs is calculated at one square foot per linear foot of street frontage for the entire development up to a total sign area of 300 sf.
 - 3) The maximum height of detached signs is based on the classification of the street on which the premises fronts and the detached sign is oriented towards, as shown in Table 8-1.
 - 4) In the DTB District, with approval of an encroachment permit, the detached sign may be placed on the public sidewalk provided overhead clearance as required in §9.05.05 and a clear pedestrian path at least five feet wide is maintained along the sidewalk. Placement must also be in accordance with the Americans with Disabilities Act. The sign must be securely anchored as approved by the Building Official.

Table 8-1: Detached Sign Height

Location/Street Classification	Maximum Sign Height ¹
US Highway 280	50 ft.
Other major street with 4 or more travel lanes	25 ft.
Major street with less than 4 lanes	20 ft.
All other locations	15 ft.

¹ The location and height of signs may not interfere with overhead utility lines.

- B. Any premises not developed with a principal structure or uses, is allowed only one detached sign, subject to §9.09 Detached Signs on Undeveloped Property.

§9.07.03 Temporary Signs

- A. During construction, only the following temporary signs are permitted:
 - 1) For nonresidential development, one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in area and may not be taller than six feet above grade level. These signs must be removed within 30 days following the completion of the development.
 - 2) For developments including multiple residential lots, no more than six temporary signs per lot may be posted during construction of the dwelling. Each sign may not exceed two square feet in sign area nor be taller than three feet above grade. These signs must be removed within seven days after construction of the dwelling has been completed.
- B. After initial construction, each residential and nonresidential premises is permitted the following temporary signs:
 - 1) At any time, each nonresidential premises is permitted two temporary signs, no more than one of which may be portable, with each sign no larger than 16 sf in sign area nor taller than six feet above grade.

- 2) At any time, each residential premises is permitted three temporary signs with each sign no larger than five square feet in sign area and no taller than four feet above grade.
 - 3) For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its original opening; and one additional temporary sign may be posted for up to 15 days prior to its final closing. Such signs may not be larger than 40 sf in sign area. If detached, it may not be taller than six feet above grade.
- C. Temporary signs are permitted during repair, renovation or addition to an existing building as follows:
- 1) For residential buildings, one additional temporary sign may be posted for up to 30 days on the premises. The sign may not be larger than three square feet in sign area nor taller than three feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition
 - 2) For nonresidential buildings, one additional temporary sign per premises may be posted for up to 60 days. The sign may not be larger than 12 sf in sign area nor taller than six feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.
 - D. In the DTB District, temporary signs that are six square feet or less in area and no taller than four feet above grade level are permitted and may be placed on public sidewalks provided a clear pedestrian path at least five feet wide is maintained along the sidewalk and the sign is removed from the sidewalk at any time the associated use is closed.

Section 9.08 Industrial Districts

§9.08.01 Attached Signs. Each tenant may have one attached sign that may not exceed 200 sf. The sign may be internally or externally illuminated. An additional attached sign is permitted for tenant spaces with a secondary façade visible from an adjoining public street or from an on-premises parking area. The additional attached sign is limited to 65% of the sign area on the primary facade.

§9.08.02 Detached Signs

- A. Each premises developed with a principal use or structure, other than a sign, is permitted one detached sign per street frontage that may not be larger than 120 sf in sign area nor taller than 20 ft. above grade
- B. Any premises not developed with a principal structure or use, is allowed only one detached sign, subject to §9.09 Detached Signs on Undeveloped Property.

§9.08.03 Temporary Signs

- A. During construction, only the following temporary signs are permitted: one temporary sign is permitted at the primary entrance to the development. Each sign may be up to 32 sf in sign area and may not be taller than six feet above grade. These signs must be removed within 30 days following the completion of the development.
- B. After initial construction, each premises is permitted the following temporary signs:
 - 1) At any time, each premises is permitted two temporary signs, no more than one of which may be portable, with each sign no larger than 16 sf in sign area and no taller than six feet above grade.
 - 2) For nonresidential uses, one additional temporary sign may be posted for up to 15 days from the time of its original opening; and one additional temporary sign may be posted for up to 15 days prior to its final closing. Such signs may not be larger than 40 sf in sign area. If detached, it may not be taller than six feet above grade.
 - 3) During repair, renovation or addition to an existing building, one additional temporary sign per premises may be posted for a period not to exceed 60 days. The sign may not be larger than 12 sf in sign area nor be taller than six feet above grade. These signs must be removed within seven days of completion of the repair, renovation or addition.

Section 9.09 Detached Signs on Undeveloped Property

Permanent, Detached Signs on otherwise undeveloped property are permitted only along US Highway 280 and other major streets in the B-2, M-1, M-2 AG-1, AG-2 and AG-3 Districts in accordance with the following:

- §9.09.01 Signs on undeveloped properties on the same side of US Highway 280 must be separated from one another by at least 500 ft. Signs on undeveloped property on the same side of any other street must be separated from one another by at least 300 ft.
- §9.09.02 Only one sign is permitted per undeveloped property regardless of the number of street frontages.
- §9.09.03 Signs may not be larger than 600 sf in sign area nor taller than 40 ft. from the surface of the street along which it is located.
- §9.09.04 Signs must be set back at least 50 ft. from the nearest boundary line of any residential zoning district or property used for residential purposes.
- §9.09.05 Signs may not be placed closer than 100 ft. to the nearest detached sign on an adjoining, developed premises and must be set back at least 15 ft. from all property lines.
- §9.09.06 The lowest portion of the sign must be at least 12 ft. above grade.
- §9.09.07 The structure of the sign must be of steel construction.

Section 9.10 Nonconforming and Abandoned Signs

- §9.10.01 Legally nonconforming signs existing at the time of the effective date of this Article 9, or amendment thereto which renders such signs nonconforming, may be continued subject to the following requirements. Establishing that a sign is lawfully nonconforming is the responsibility of the person claiming such status for the sign.
- §9.10.02 Nonconforming Permanent Signs. Lawfully nonconforming signs must be replaced or otherwise made to comply fully with these regulations in the following circumstances:
 - A. When a sign is damaged by 50% or more of its fair market value immediately prior to the damage, including by natural acts, or becomes obsolete for any cause, any replacement sign must comply with these regulations.
 - B. When the sign is moved, enlarged, structurally altered or changes are made to its height.
- §9.10.03 Nonconforming Temporary Signs must be removed or made to conform to these regulations within 48 hours of notice.
- §9.10.04 Nonconforming Portable Signs. If nonconforming due to manner of placement or failure to secure from movement, the sign must be removed or made to conform within 48 hours of notice.
- §9.10.05 The faces of Abandoned Signs must be removed or securely covered or masked, as approved by the Building Official, within ten working days of notice. Any abandoned sign, if nonconforming due to height, size or location, must be removed or made to conform to the applicable regulations within six months of the date on which it became abandoned.

Section 3. Adoption

This ordinance becomes effective immediately upon its adoption and publication as required by law.

ADOPTED and APPROVED this 3rd day of August, 2021.

CITY OF SYLACAUGA
A Municipal Corporation



Lee Perryman, City Council President

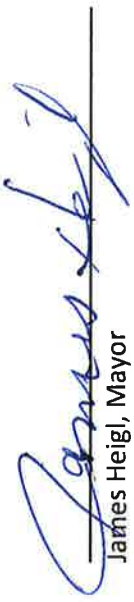
TRANSMITTED TO MAYOR this 3rd day of August, 2021.



Kimberly S. Morris, Interim City Clerk/Treasurer

ACTION BY MAYOR

APPROVED this 3rd day of August, 2021.


James Heigl, Mayor

ATTEST:


Kimberly S. Morris, Interim City Clerk/Treasurer

CERTIFICATE

STATE OF ALABAMA)
TALLADEGA COUNTY)

I, Kimberly S. Morris, the duly appointed, qualified and acting Interim Clerk of the City of Sylacauga, Alabama, do hereby certify that the above document is a true and correct copy of Ordinance No. 2235-21 as adopted by the City Council of the City of Sylacauga, Alabama, at its regular meeting held on the 3rd day of August, 2021, the original of said document is on file and of record in my office in the Sylacauga Municipal Complex, in the City of Sylacauga, Alabama.

In witness whereof, I have hereunto set my hand and the official seal of the City of Sylacauga, Alabama on this the 3rd day of August, 2021.


Kimberly S. Morris, Interim City Clerk-Treasurer
City of Sylacauga, Alabama

CERTIFICATION OF PUBLICATION

I, Kimberly S. Morris, Interim City Clerk-Treasurer of the City of Sylacauga, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Sylacauga at a rescheduled meeting held on the 3rd day of August, 2021, and that same has been published in accordance with law in the *Daily Home* on the 13 day August, 2021.


Kimberly S. Morris, Interim City Clerk/Treasurer